

**NORTH MARIN WATER DISTRICT
MINUTES OF REGULAR MEETING
OF THE BOARD OF DIRECTORS
October 4, 2022**

CALL TO ORDER

President Petterle announced that due to the Coronavirus outbreak and pursuant to the Brown Act as modified by Assembly Bill 361, this was a virtual meeting. President Petterle called the regular meeting of the Board of Directors of North Marin Water District to order at 6:00 p.m. and the agenda was accepted as presented. President Petterle added that there was not a public location for participating in this meeting, but any interested members of the public could participate remotely by utilizing the video or phone conference dial-in method using information printed on the agenda. President Petterle announced that in the event of technical difficulties during the meeting, the District Secretary will adjourn the meeting and the remainder of the agenda will be rescheduled for a future special meeting which shall be open to the public and noticed pursuant to the Brown Act.

President Petterle welcomed the public to participate in the remote meeting and asked that they mute themselves, except during open time and while making comments on the agenda items. President Petterle noted that due to the virtual nature of the meeting he will request a roll call of the Directors. A roll call was done, those in remote attendance established a quorum. Participating remotely were Directors Jack Baker, Rick Fraites, Jim Grossi, Michael Joly and Stephen Petterle.

President Petterle announced that all public attendees will be invited to speak and will need to use the raised hand icon in Zoom or dial *9 to be called upon.

Mr. Williams performed a roll call of staff, participating remotely were, Tony Williams (General Manager), Terrie Kehoe (District Secretary), Julie Blue (Auditor-Controller), Eric Miller (Assistant GM/Chief Engineer), Ryan Grisso (Water Conservation Coordinator), Chris Kehoe (Interim Construction/Maintenance Superintendent) and Rebecca Sylvester (Receptionist/Customer Service Assistant). Additionally, District employee Lia Solar joined the meeting.

President Petterle requested that for those joining the virtual meeting from the public to identify themselves and there was no response.

MINUTES

On motion of Director Baker seconded by Director Fraites, the Board approved the minutes with minor edits from the September 20, 2022 Regular Board Meeting by the following vote:

AYES: Director Baker, Fraites, Grossi, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

GENERAL MANAGER'S REPORT

Mr. Williams announced that he and Mr. Ramudo met briefly with Supervisor Rodoni on September 21st to discuss the County of Marin's Dillon Beach Wastewater Study in addition to a housing development in Point Reyes Station. He also had an informal discussion regarding Dillon Beach with Jason Fried, the head of Marin LafCo. Mr. Williams stated that there is more on the Dillon Beach topic that will be discussed in Item 10 of this agenda and there will be more to come on the Point Reyes development in the future.

Mr. Williams apprised that the Board that on September 30th he participated in a Water Management Working Group for California's fifth climate assessment. He stated that it consisted of a technical panel of scientist discussing where there were gaps in research; noting one top priority was the need for providing guidance for local agencies on how to best incorporate climate change in the water supply planning. Mr. Williams added, another priority expressed by the scientists was the impacts of sea level rise on groundwater for those water supplies in coastal regions. He noted that, NMWD is also experiencing this in our West Marin Coast Guard Wells. Mr. Williams stated that there is a lot of uncertainty with the amount of precipitation we may receive, noting atmospheric rivers will likely cause flooding with periods of drought. He added the suggestion from the Working Group was flood control and water supply should be looked at concurrently.

Mr. Williams reported on the TAC Meeting that was held on October 3rd. He noted that the minutes from this meeting will show up on a subsequent agenda; but wanted to inform the Board that as a whole, the water contractors are achieving a 30% reduction in Russian River water use, compared to 2020. Mr. Williams stated that staff requested a review of Sonoma County Water Agency (SCWA) data for July and August as our data was showing us over 20% and SCWA was showing us slightly under 20%. He added, as of October 3rd, SCWA sent revised numbers

and NMWD did in fact exceed the reductions, and the number was closer to 26%. Mr. Williams commended the Treatment Plant Operators for doing a good job in helping with this reduction.

Mr. Williams announced that this week is California Water Professionals Appreciation Week. He stated that he would like to personally thank all of the NMWD staff for their hard work, dedication and professionalism that they exhibit each and every day. In addition, he noted that staff have continued to follow our mission statement to provide safe and reliable water.

Lastly, Mr. Williams noted that there was a change to Item 7 on Attachment 1.

President Petterle asked if there were any comments or questions from the Directors.

Director Joly asked why the scientists believed there would be more atmospheric rivers. Mr. Williams replied that, the scientist did not get into why, but instead focused on how to respond. He added that according to a Stanford University professor, climate change will not change the total amount of precipitation on average, only how it comes, changing the weather patterns of what we are used to. Director Joly asked if Mr. Williams would be able to talk to the Stanford professor in the future. Mr. Williams replied that it is quite possible. Director Joly stated that we have many good resources around us, noting the comment made about the atmospheric rivers comes as no surprise since we saw a similar weather pattern last year.

President Petterle asked if anyone from the public would like to speak and there was no response.

OPEN TIME

President Petterle asked if anyone from the public wished to bring up an item not on the agenda and there was no response.

STAFF/DIRECTORS REPORTS

President Petterle asked if any Directors or staff wished to bring up an item not on the agenda and the following was discussed.

Director Petterle announced he and Mr. Williams will meet with County Supervisor Elect Eric Lucan. He noted that it is important to meet with him to provide an overview of what the District is, who we are and what we do, in order to maintain continued dialog in the future.

Director Petterle stated that he read an article in the Marin IJ, "State girds for potential of another arid winter". He noted that there is a potential of more dry years to come. Director Petterle noted that NMWD took the appropriate effort at the appropriate times, and though we all hope to have at least a normal rainfall year, in the event we don't we are as prepared as we can be. He also noted that the article used the word aridification. Director Petterle stated that this is another example of words that are thrown out that people have to look up. He added the water industry needs to use terms and words the public can understand. Director Petterle reminded the Board

that, years before he requested NMWD's bills be in gallons rather than cubic feet so the public could understand their bills without a calculator. He commended the District for making that transition.

CONSENT CALENDAR

On the motion of Director Fraites, and seconded by Director Baker the Board approved the consent calendar by the following vote:

AYES: Director Baker, Fraites, Grossi, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

TEXT FOR FALL 2022 NOVATO "WATERLINE", ISSUE 49

The Board approved the text for the Fall 2022 Novato "Waterline", Issue 49.

RE-AUTHORIZING MEETINGS BY TELECONFERENCE OF LEGISLATIVE BODIES OF NORTH MARIN WATER

The Board approved Re-Authorizing Meetings by Teleconference of Legislative Bodies of North Marin Water District. Resolution 22-28 will extend the continuation of teleconference meetings effective October 4, 2022 through November 3, 2022 pursuant to Brown Act provisions.

BASE SALARY SCHEDULE REVISION

The Board approved the Base Salary Schedule Revision. In accordance with the Memorandum of Understanding with the North Marin Water District Employee Association (MOU), effective each October 1 and through the year 2022, as approved by the Board on January 15, 2019, employees will receive a cost of living adjustment equal to the percentage change in the CPI-U. The San Francisco Bay Area All Urban Consumers Price Index increased 5.7% over the twelve months ending August 31, 2022. Since this is higher than the maximum increase per the MOU, the salary increases effective October 1st is 4%.

AUDITOR-CONTROLLER'S STATEMENT OF INVESTMENT

The Board approved the Auditor-Controller's Statement of Investment Policy. The Investment Policy contains a list of statements identifying how money can be maintained and invested. It also discusses who has the authority to sign on investment accounts in the Auditor-Controller's absence.

ACTION CALENDAR

AGREEMENT WITH SONOMA WATER FOR PROP 1 GRANT REIMBURSEMENT

Mr. Grisso gave a brief description of Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, administered by the State of California Department of

Water Resources provides funding for projects that help meet the long-term water needs of the state. He stated that this was just a formality since the grant was awarded a few years ago, however it took years to go through the bureaucratic channels to get the money back. Mr. Grisso added it was awarded to eleven partner agencies in the Bay Area Regional Water Conservation Program, which included Sonoma Water. He noted that the programs approved for this grant include the 50% match for Cash for grass Turf Replacement Program, the AMI/Flume meter installations, the Residential Weather Based Irrigation Controller Rebates and component Analysis.

President Petterle asked if there were any comments from the Directors or staff.

Director Petterle asked about the distribution of the grant. Mr. Grisso replied that it is up to \$10,000 per program.

President Petterle asked if anyone from the public would like to speak and there was no response.

On the motion of Director Joly and seconded by Director Fraites the Board authorized the General Manager to execute the grant agreement with Sonoma Water for reimbursed grant funding in an amount not to exceed \$141,202 by the following vote:

AYES: Director Baker, Fraites, Grossi, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

UPDATE TO COUNTY OF MARIN REGARDING SEWER SERVICE TO DILLON BEACH PROPERTIES

Mr. Williams gave an update to the Board about a draft wastewater feasibility study of the Dillon Beach Village from the County of Marin's consultant, Questa Engineering Corporation. He stated that the draft study report identifies four main alternatives for improving the existing conditions at Dillon Beach Village. Mr. Williams presented a draft response letter addressed to Tom Lai at the County of Marin and the Board provided feedback to the draft letter.

President Petterle asked if there were any comments from the Directors or staff.

Director Baker noted that Old Dillon Beach has had problems with their septic for decades. He added how difficult a merger with Oceana Marin would be and the impacts. He noted that the Board does not hear much from our Oceana Marin customers, so they must be happy with the system and feel it is well taken care of. Director Baker asked if there would be grant money available to upgrade the system. Mr. Williams replied that there likely is some grant money, and noted that the failing septic systems are impacting their drinking water supply, and how ironic that

NMWD does not provide water service to this community. Mr. Williams added that the County of Marin currently manages the Marshall sewer system to the south. Director Baker asked if the County of Marin actually did the direct work and Mr. Williams replied that they contract the operations out. There was additional discussion about the water service and it was noted that Estero Mutual Water Company serves most of Oceana Marin area and other parts of Dillon Beach is served by Cal Water which was previously called Coast Springs Water.

Director Grossi stated that he agreed with the draft letter that Mr. Williams put together. He added the septic situation out there is very complicated and the water situation is even worse. Director Grossi noted that Cal Water's well does not supply enough water and has to buy water from a private property owner. He emphasized NMWD needs to be cautious to see if we are asked to take over both the water and sewer systems. Director Grossi also noted the similar issues that Lawsons Landing has been dealing with for quite some time.

Director Joly stated that he was unsure of what message we were giving in the draft letter. He added we need to say it clearly and not be too subtle, and we need to live up to our mission statement and keep the cost to our customers down. Mr. Williams replied that the reason why the letter is subtle is because NMWD may have no choice and noted that Marin LAFCo could require us to take over because of our presence in the area and because under the Water Code we can provide water and sewer service.

Director Grossi stated that he was concerned about the capital cost per unit that could cause each bill to go up considerably. Director Joly stated that that the District is vulnerable to broader service possibilities and added the current cost of the Ocean Marin sewer bills is already ranked as one of the highest. Director Joly stated that this could be a slippery slope, we need to navigate this carefully and put a message out to everyone. Director Fraites stated that he heard Tom Lai is retiring soon, noting he has always been exceptional, so we need to get going on this. Mr. Williams stated that he and Mr. Miller heard the same news, which prompted the need for the letter. He added Director Joly had a good point, and the Board does have authority for any boundary change, although they may be overruled by a higher entity. He added the draft letter approach is step one. Mr. Williams stated that he talked to other Marin County sewer agencies to see if they would be interested in taking over these systems, but no far there has been no expressed interest.

Director Petterle stated that the letter handles the situation appropriately, and reminded the Board that the previous letter by Mr. DeGabriele shows the Board actively denied the new connections to Oceana Marin, and similar to Mr. Williams' letter mentions the revaluation of NMWD in the area. He added the letters leave the door open to talk about other options and that

may be more effective. Additionally, he requested the acronym OM not be used in the letter, so it clearly says "Oceana Marin".

President Petterle asked if anyone from the public would like to speak and there was no response.

On the motion of Director Joly and seconded by Director Baker the Board provided that feedback and authorized the General Manager to send a final version of the letter to the County of Marin by the following vote:

AYES: Director Baker, Fraitas, Grossi, Joly and Petterle

NOES: None

ABSTAIN: None

ABSENT: None

INFORMATION ITEMS

ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO HEARING ORDER NO. R2-2-22-1007 NPDES PERMIT CAG140001

Mr. Williams reminded the Board that this item was regarding an alleged violation of the state-wide National Pollutant Discharge Elimination System (NPDES) permit for potable water discharges and an associated offer to pay a settlement penalty in the amount of \$12,000. He informed the Board of the response to written comments from the San Francisco Bay Regional Water Quality Control Board and provided the acceptance of Conditional Resolution and Waiver of Right to Hearing, Order No. R2-2-22-1007.

President Petterle asked if there were any comments or questions from the Directors.

Director Grossi stated that the District is taking a good approach and he agrees to move ahead. Director Joly asked for reassurance that this would not happen again and that procedures have been changed accordingly. Mr. Williams confirmed, stating that both procedural and physical changes have been made, which includes the replacement and relocation of sample line.

President Petterle asked if anyone from the public would like to speak and there was no response.

MISCELLANEOUS

The Board received the following miscellaneous items: Disbursements - Dated September 22, 2022, Disbursements – Dated September 29, 2022, Point Reyes Light – Salinity Notice September 29, 2022 and Three-Month Outlook Temperature and Precipitation Probability.

The Board received the following news articles: Marin IJ – Not MMWD's place to critique Civil Grand Jury's concerns – DICK SPOTSWOOD; Marin IJ – Broad-based buy-in is key to helping Bay-delta water plan become success-CALIFORNIA VOICE; Marin IJ – Marin gets dose

of rain as storm crosses region – WEATHER; and Marin IJ – Summer rainfall bolsters supply, eases risk of fire – MARIN DROUGHT.

President Petterle asked if there were any comments from the Directors.

Director Joly asked about an item on the disbursements in reference to a retention in escrow. Mr. Miller replied that the public contract code allows the District to hold a 5% as retention, and essentially, we are paying the contractor for previous work done. He added in this case it was deposited in an escrow account and was agreed by both parties.

President Petterle asked if anyone from the public would like to speak and there was no response.

ADJOURNMENT

President Petterle adjourned the meeting at 6:47 p.m.

Submitted by

A handwritten signature in cursive script that reads "Theresa Kehoe".

Theresa Kehoe
District Secretary